

**House Study Bill 170 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act exempting internet protocol-enabled service and voice  
2 over internet protocol service from direct or indirect  
3 regulation by any department, agency, board, or political  
4 subdivision of the state.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 476.1, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5A. *a.* Notwithstanding any other provision  
4 to the contrary, a department, agency, board, or political  
5 subdivision of the state shall not by rule, order, or other  
6 means directly or indirectly regulate the entry, rates, terms,  
7 or conditions for internet protocol-enabled service or voice  
8 over internet protocol service.

9 *b.* (1) For purposes of this subsection, "*internet*  
10 *protocol-enabled service*" means any service, capability,  
11 functionality, or application that uses internet protocol  
12 or any successor protocol and enables an end user to send  
13 or receive voice, data, or video communication in internet  
14 protocol format or a successor format.

15 (2) (a) For purposes of this subsection, "*voice over*  
16 *internet protocol service*" is any service that uses internet  
17 protocol or a successor protocol to enable real-time, two-way  
18 voice communication that originates from, or terminates at,  
19 the user's location in internet protocol format or a successor  
20 format; or permits a user to receive a call that originates on  
21 the public switched telephone network and to terminate a call  
22 to the public switched telephone network.

23 (b) "*Voice over internet protocol service*" does not include a  
24 service that uses ordinary customer premises equipment with no  
25 enhanced functionality that originates and terminates on the  
26 public switched telephone network, undergoes no net protocol  
27 conversion, and provides no enhanced functionality to end users  
28 due to the provider's use of internet protocol technology.

29 *c.* This subsection shall not be construed to modify or  
30 affect the application or enforcement of a law or rule that  
31 may apply generally to the conduct of business in this state,  
32 including but not limited to consumer protection and unfair  
33 or deceptive trade practice laws and rules. This subsection  
34 shall also not be construed to affect, mandate, or prohibit the  
35 assessment of nondiscriminatory E911 fees or telecommunications

1 relay service fees.

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EXPLANATION

3 This bill exempts internet protocol-enabled service and  
4 voice over internet protocol service from direct or indirect  
5 regulation by any department, agency, board, or political  
6 subdivision of the state.

7 The bill defines "internet protocol-enabled service" to mean  
8 any service, capability, functionality, or application that  
9 uses internet protocol or any successor protocol and enables an  
10 end user to send or receive voice, data, or video communication  
11 in internet protocol format or a successor format.

12 The bill defines "voice over internet protocol service" to  
13 mean any service that uses internet protocol or a successor  
14 protocol to enable real-time, two-way voice communication  
15 that originates from, or terminates at, the user's location  
16 in internet protocol format or a successor format; or permits  
17 a user to receive a call that originates on the public  
18 switched telephone network and to terminate a call to the  
19 public switched telephone network. The bill states that a  
20 service that uses ordinary customer premises equipment with no  
21 enhanced functionality that originates and terminates on the  
22 public switched telephone network, undergoes no net protocol  
23 conversion, and provides no enhanced functionality to end users  
24 due to the provider's use of internet protocol technology is  
25 not a "voice over internet protocol service".

26 The bill provides that a department, agency, board, or  
27 political subdivision of the state shall not by rule, order, or  
28 other means directly or indirectly regulate the entry, rates,  
29 terms, or conditions for internet protocol-enabled service or  
30 voice over internet protocol service.

31 The bill adds that these provisions shall not be construed  
32 to modify or affect the application or enforcement of a law  
33 or rule that may apply generally to the conduct of business  
34 in Iowa, including but not limited to consumer protection  
35 and unfair or deceptive trade practice laws and rules. The

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1 bill further adds that these provisions shall also not be  
2 construed to affect, mandate, or prohibit the assessment of  
3 nondiscriminatory E911 fees or telecommunications relay service  
4 fees.